

REMARKS

Claims 1-18 are pending in this application. Reconsideration of the application is respectfully requested.

Applicants gratefully acknowledge the courtesies extended to Applicants' representative at the personal interview conducted May 24, 2004. The substance of the interview is incorporated in the following Remarks, which constitute Applicants' record of the interview.

The Office Action objects to the specification for the use of the term "voltage direction." By this Amendment, the specification is amended to clarify the meaning of the term "voltage direction." Support for the Amendment can be found, for example, in Figs. 7 and 8 as originally filed. Applicants respectfully request that the objection to the specification be withdrawn.

The Office Action objects to the Abstract for the use of the term "voltage direction." However, based on the amendments made to the specification, Applicants submit that the term "voltage direction" is clear. Applicants therefore request that the objection to the Abstract be withdrawn.

The Office Action rejects claims 1-15 under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed.

As discussed during the personal interview, Applicants submit that the term "voltage direction" has been clarified in the specification, such that the claims meet the requirement of clarity and precision. In particular, Applicants have acted as their own lexicographer, in defining the term "voltage direction" as being "the direction from a point of relatively positive electrostatic potential to a point of relatively negative electrostatic potential." According to *Process Control Corp v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999), an applicant may act as his own lexicographer to specifically define the

claim terms. As clarified by the amendments to the specification, Applicants submit that the meaning of every claim term is apparent from the specification, and that claims 1-15 fully satisfy the requirements of 35 U.S.C. §112, second paragraph. As agreed to during the personal interview, Applicants respectfully request that the rejection of claims 1-15 under 35 U.S.C. §112, second paragraph, be withdrawn.

Claim 16 is rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,575,634 to Kohashi. This rejection is respectfully traversed.

The Office Action asserts that Kohashi discloses a "display element 100 (fig. 1), an optical switching element (200, 300) comprising a capacitor C_B , a variable resistor R_P , fig. 1) comprising a ratio of the resistance component (a variable resistor R_P , fig. 1), the applied voltage polarity (an AC power supply V_A and variable voltage V_B , fig. 1, col. 6, lines 1-7), and an electrical charge amount of the display element (a charge of a capacitor C_E of the display 100, fig 1)." Applicants submit that Kohashi does not disclose "controlling a ratio of the resistance component of the optical switching element at least depending on the applied voltage polarity," as recited in claim 16.

The resistance component, identified in the Office Action as the variable resistor R_P shown in Fig. 1 of Kohashi, is described in the specification as "the resistance R_P of which varies according to the incident light L_1 ." (See, for example, column 2 lines 30-37 and 44-46.) Nowhere in Kohashi is the resistance component of R_P described as varying according to the polarity of the applied voltage V_A as shown in Fig. 1, but only according to the amount of incident light.

The Office Action asserts that the specific resistance of ZnS is of the order 10^7 to 10^{10} Ω -cm, and that another essential requirement is that the voltage vs. current characteristics is as ohmic as possible. However, according to claim 16, the ratio of the resistance component of the optical switching element is controlled "depending on the applied voltage polarity."

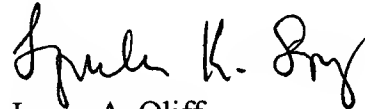
Therefore, according to claim 16, the resistance component of the optical switching element is specifically not constant, but varies in accordance with the polarity of the applied voltage; therefore, the voltage vs. current characteristics are specifically not ohmic.

Thus, as agreed to during the personal interview, the feature of "the resistance component of the optical switching element at least depending on the applied voltage polarity" recited in claim 16 is not found in Kohashi. Accordingly, Applicants respectfully submit that claim 16 is patentable over the applied reference. Withdrawal of the rejection is therefore respectfully requested.

The Office Action rejects claims 17 and 18 under 35 U.S.C. §103(a) over Kohashi. For at least the reasons set forth above with respect to claim 16, claims 17 and 18 are also patentable over Kohashi, as they also recite "the resistance component depending at least on the polarity of the applied voltage." Withdrawal of the rejection is therefore respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-18 are earnestly solicited.

Respectfully submitted,



James A. Oliff

Registration No. 27,075

Jaquelin K. Spong

Registration No. 52,241

JAO:JKS/eks

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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